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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/147,175	02/25/99	DILL	E P3120-8014

PM92/0624
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EXAMINER	
WOOD, K	
ART UNIT	PAPER NUMBER
3632	<i>6 fg</i>
DATE MAILED:	06/24/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/147,175

Applicant(s)

Dill et al.

Examiner

Kimberly T. Wood

Group Art Unit

3632



☒ Responsive to communication(s) filed on Feb 25, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Feb 25, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim 5 recites the limitation "base" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for bearing zones of the first means being materialized by plane surfaces, does not reasonably provide enablement for bearing zones of the first means being materialized by ridges (16, 17). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for bearing zones of the first means are materialized by ridges (51), does not reasonably provide enablement for the first means materialized by ridges having a concave surface. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claims 1-11 have been rejected under 35 U.S.C. 112 for the above reasons. Please note that the Examiner may not have pointed out each and every example of indefiniteness. The applicant is requested to review all the claim language to make sure the claimed invention is clear and definite.

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The drawings are objected to as failing to comply with 37 CAR 1.84(p)(4) because reference character "8" has been used to designate both bearing zones and bearing surfaces. Correction is required.

The drawings are objected to as failing to comply with 37 CAR 1.84(p)(4) because reference character "9" has been used to designate both bearing zones and bearing surfaces. Correction is required.

The drawings are objected to because "5" in figure 7 should be --45--. Correction is required.

Claim Rejections - 35 U.S.C. § 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "vertical" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "aperture" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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This is the first office action for serial number 09/147,175, entitled Device For Holding A Paper Sheet, filed February 25, 1999.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on April 25, 1996. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to as failing to comply with 37 CAR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (a) aperture, (53) space in figure 9 or 10, (h) height, (54) recess. Correction is required.

The drawings are objected to as failing to comply with 37 CAR 1.84(p)(4) because reference characters "40" and "49" have both been used to designate bearing zone. Correction is required.

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Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Liptak 4,125,243. Liptak discloses a first holding means (13) being concave (15) , a second holding means (12) being convex (14), a space (17).

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess 774,036 as best understood. Burgess discloses a first holding means (near 7) having a recess (near 5), a second holding means (3) having a protrusion (3), ridges (the two opposite surfaces of the concave recess (near 7 and 4).

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Heysinger 327,440. Heysinger (Figure 4) discloses a first means (A2), a second means (B3), and articulation (B2), a actuating body (B1), and holding means (B5).

Claims 1, 2, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Godoll 1,386,469. Godoll discloses a first

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holding means (7) and second holding means (near 7), third holding means (near 9), and fourth holding means (near 9).

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter 4,712,760. Winter discloses a first holding means (22) , a second holding means (20), a space (24), a protruding zone (between 25 and 26), a recess (corresponding point on 22).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGloin 736,328

Koch 5,533,702

Meyer 5002249

Baldwin 2,524,647

Nicephore 906,587

Calhoun 4,685,647

Egan 1,768,675

Slavsky, Sr. 4,882,862


All of the above patents are conventional devices for holding sheets of paper.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for filing formal papers to the Group receptionist is (703) 305-3597.


Kimberly Wood
June 20, 1999


DEREK J. BERGER
PATENT EXAMINER
ART UNIT 3632